

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**JOEL RHODES,
Plaintiff,**

v.

Case No. 12-C-452

**KERRI A. MCKENZIE, et al.,
Defendants.**

DECISION AND ORDER

I granted defendants' motion for summary judgment on December 19, 2017. Docket No. 105. About two weeks later, plaintiff filed a motion for reconsideration, which is fully briefed and ready for my decision.

"Rule 59(e) allows a court to alter or amend a judgment only if the petitioner can demonstrate a manifest error of law or present newly discovered evidence." *Obrieght v. Raemisch*, 517 F.3d 489, 494 (7th Cir. 2008) (*citing Sigsworth v. City of Aurora*, 487 F.3d 506, 511-12 (7th Cir. 2007)). "A 'manifest error' is not demonstrated by the disappointment of the losing party. It is the 'wholesale disregard, misapplication, or failure to recognize controlling precedent.'" *Oto v. Metropolitan Life Ins. Co.*, 224 F.3d 601, 606 (7th Cir. 2000) (citations omitted). Under Rule 60(b), a court may grant a party relief from an order for several reasons, including mistake, excusable neglect, newly discovered evidence, and fraud. See Fed. R. Civ. P. 60(b)). "Rule 60(b) relief is an extraordinary remedy and is granted only in exceptional circumstances." *Cincinnati Ins. Co. v. Flanders Elec. Motor Serv., Inc.*, 131 F.3d 625, 628 (7th Cir. 1997).

Having reviewed plaintiff's motion, I conclude that he has not satisfied the standards of Rule 59(e) or Rule 60(b). He discusses at length several factual disputes;

however, none of the facts he disputes were material to my decision. As I explained in my decision, a court must grant a party's motion if "it shows that there is no genuine dispute as to any *material* fact" and that the moving party "is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a) (emphasis added). Mere disagreement with my decision that defendants satisfied this standard is not a sufficient basis for me to grant plaintiff the relief he seeks.

THEREFORE, IT IS ORDERED that plaintiff's motion for reconsideration (Docket No. 110) is **DENIED**.

Dated in Milwaukee, Wisconsin, this 26th day of July, 2018.

s/Lynn Adelman
LYNN ADELMAN
United States District Judge